BEST IMAGES POSSIBLE

THE FOLLOWING DOCUMENT OR DOCUMENTS WERE SCANNED AS RECEIVED AND CONTAINS THE BEST POSSIBLE IMAGE.

MICRO RECORDS COMPANY, INC BALTIMORE, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING NW/End of Beachwood Road, 100° (4102 Beachwood Road) 15th Election District 5th Councilmanic District * Case No. 89-479-SPH

NW of the c/l of Lynhurst Road * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

Frederick Thiess Petitioner * * * * * * * * * * *

AMENDED ORDER

WHEREAS, the Petitioner herein requested a special hearing to approve a nonconforming use of the subject property as a warehouse in accordance with Petitioner's Exhibit 1;

WHEREAS, the relief requested was granted subject * restrictions on July 28, 1989;

WHEREAS, Counsel for Petitioner filed a Motion for Reconsideration on August 25, 1989 and a Memorandum in Support of Motion for Reconsideration on November 3, 1989 requesting a modification of Restriction Nos. 2, 3 and 4 of the Order issued July '2, 1989;

WHEREAS, upon consideration of Petitioner's Motion and Memorandum in Support of Motion for Reconsideration, and a review of the case file;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this / day of September, 1990 that Restriction Nos. 3 and 4 of the Order issued July 28, 1989 be deleted in their entirety and Restriction No. 2 be modified to read as follows:

> "2) Any office use on the subject property shall be incidental and accessory to and used for managing the warehouse use of the one-story concrete block build

conditions and restrictions contained in the Order issued July 28, 1989 shall remain in full force and effect.

cc: John O. Hennegan, Esquire 809 Eastern Avenue, Baltimore, Md. 21221 All Protestants

People's Counsel

IT IS FURTHER CRDERED that, except as herein mcdified, all other

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

The Petitioner requested a special hearing to approve a nonconforming of the subject property as a warehouse and subsequent thereto, there was a hearing at which exhibits were presented and testimony was taken.

IN RE: PETITION FOR SPECIAL HEARING

(4102 BEACHWOOD ROAD)

15TH ELECTION DISTRICT

Frederick Thiess,

5TH COUNCILMANIC DISTRICT

Petitioner

NW/END BEACHWOOD ROAD, 1300'

That on the 28th day of July, 1989, an Order was issued approving the nonconforming use of the subject property as a warehouse and placing on said nonconforming use, restrictions as "et out below.

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

NW OF THE C/L OF LYNHURST ROAD * DEPUTY ZONING

*** *** *** *** *** *** *** *** *** ***

MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION

* COMMISSIONER OF

* BALTIMORE COUNTY

Case No: 89-479-

2. Any office use on the subject property shall be limited to the small subordinate area set aside as accessory to and for managing the warehouse use of the one-story concrete block building.

3. Within thirty (30) days of the date of this Order, Petitioner shall provide detailed floor plans of the interior space clearly designating the area reserved for accessory office use, which shall be limited to one (1) employee at any given time, except for individuals dropping off and picking up warehouse items. Office

LAW FIRM ROMADKA. GONTRUM & ILENNEGAN, P.A equipment shall be limited to one (1) desk, one (1) telephone, and one (1) computer and or typewriter. Said plans must be approved by the Deputy Zoning Commissioner as being found in compliance with the terms and conditions of this Order or the use granted herein shall be rescinded.

4. Within sixty (60) days of the date of this Order, Petitioner shall provide documentation, i.e., lease agreement, etc., of a principal sales office at another location. Petitioner shall submit in writing for the case file updated documentation of principal office as location changes or as requested by the Zoning Enforcement Office.

5. There shall be no retail sales from the subject

6. The building designated on Petitioner's Exhibit 1 as two-story residence shall be used for residential purposes only.

7. Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Does this tribunal have the power to limit and restrict an established lawful nonconforming use?

ARGUMENT

The area of controversy seems more particulary to revolve around the restrictions 2, 3 and 4 of the Order dated July 28, 1989. I surmise that the reasons for these restrictions are to prohibit retail sales from this particular location. Retail sales are not permitted in a manufacturing zone. However, wholesale sales are permitted, provided they are as clearly incidental to the use as a warehouse facility; See BCZR 24.1. The Petitioner does have a principal retail

ROMADKA, GONTRUM &

LAW FIRM HENNEGAN, P.A.

> Baltimore County, and L. Robert Haines, Zoning Commissioner for Baltimore County, 1st Floor, County Office Building,

Towson, Maryland 21204.

office and sale location off premises and really has no objection to providing the Deputy Zoning Commissioner with the information requested. However, in the event that for business reasons, the Petitioner decides to dissolve his retail sales operation at this location without the intention of re-establishing it in any other location in the near future, the Order could be interpreted to render him in violation of said Order with whatever ramifications that might legally be imposed upon the Petitioner.

The Order also restricts office space use in a manner which is unrelated in any way to any business decision and it is not commensurate with the established lawful nonconforming use of the warehouse.

The Petitioner does not disagree with the interpretation of the law that the office use can only be permitted if it is an accessory to the warehouse use and any expansion or extension of that office use beyond that which would be determined to be accessory to the office use would in fact be However, a number of telephones, desks, typewriters, personnel and any and all other office equipment or use which is necessary to run a warehouse of any size and nature, is one that is surely dependent upon the size and nature of the warehouse operation as permitted and can result in a hampering of the efficient operation of this business as well as unnecessary economic loss to the Petitioner. There is no operation that I am aware of whether it be retail,

warehouse, restaurant, tavern, or general commercial, nonconforming or as a matter of right, that does not have office space available to and incidental to that use. The space devoted for such a use is usually limited by the mere need. The space, required for the primary use, is essential to the operation and too valuable to be used as non-income producing

If the Petitioner expanded the office use beyond that which was incidental and accessory to the warehouse or conducted retail sales from the warehouse, he would be violating the zoning regulations as they exist today. Additionally, he would be subject to a fine and injunctive proceedings, and would be potentially abandoning the nonconforming warehouse use, and jeopardizing the lawful use which now exists on the site.

Most importantly, however, the law as it that presently stands, does not permit the Deputy Zoning Commissioner to place restrictions on a nonconforming use that is established, no matter how reasonable or necessary these restrictions are, whether or not they are necessary to address protestant's concerns, and however legitimate they are. The matters, which these restrictions do address, can be dealt with through other legal remedies or county agencies depending on the facts as they exist at the time of any occurrence. The County Board of Appeals of Baltimore County has ruled prior to this date, that once a nonconforming use is established, so long as that use

LAW FIRM ROMADKA, **GONTRUM &** HENNEGAN, P.A.

CERTIFICATE OF SERVICE

operates within the compliance of the law, restrictions can

not be imposed. To place restrictions in an Order when there

has been a ruling from a higher tribunal, that this is not

permitted, it is a ultra vires act and therefore not

Application of Marriott Corporation, County Board of Appeals

of Baltimore County, Number 83-85-SPH and In the Matter of the

Application of Ruxton Country Schools, Inc., County Board of

restrictions imposed by the Deputy Zoning Commissioner of an

Order dated July 28, 1989, in the above captioned case, be

deleted and that the Deputy Zoning Commissioner's Order be

It is therefore most respectfully requested that the

spectfully submitted,

OMADKA, GONTRUM & HENNEGAN

Baltimore, Maryland 21221

809 Eastern Boulevard

(301) 686-8274

enforceable or permitted. (See In the Matter of the

Appeals of Baltimore County, Number 84-106-SPH.

modified accordingly.

I HEREBY CERTIFY, that on this 3 1989, a copy of the foregoing Memorandum in Support of Motion for Reconsideration was mailed, postage prepaid to Ann M. Nastarowicz, Deputy Zoning Commissioner for

> ROMADKA, GONTRUM & HENNEGAN, P.A. ESSEX, MARYLAND

LAW FIRM ROMADKA GONTRUM & HENNEGAN, P.A. ESSEX MARYLAND

ROMADKA. GONTRUM 8

LAW FIRM

HENNEGAN, P.A ESSEX MARYLAND

LAW FIRM

Romadka, Gontrum & Honnegan, P.A. IRVINGTON FEDERAL BUILDING 809 EASTERN BOULEVARD ESSEX, MARYLAND 21221 TELEPHONE (301) 686-8274

FAX # 686-0118

ROBERT J. ROMADKA JOHN B. GONTRUM JOHN O. HENNEGAN DONALD H. SHEFFY NANCY E. DWYER

SHARON R. GAMBLE

November 3, 1989

10V 7 1989

Ann M. Nastarowicz Deputy Zoning Commissioner for Baltimore County Office of Planning and Zoning Towson, Maryland 21204

Zumming Office RE: Petition for Special Hearing NW/End Beachwood Road, 100' NW of the c/l of Lynhurst Road (4102 Beachwood Road) 15th Election District - 5th Councilmanic District

Dear Ms. Nastarowicz:

Enclosed please find Memora. Jum in Support of Mation for Reconsideration to be filed with regard to the above matter.

Frederick Thiess, Petitioner

Case Number: 89-479-SPH

éry/truly y¢urs,

JOH/kmc

Enclosure

cc: L. Robert Haines Frederick Thiess

Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Hair es

Baltimore County Zoning Commissione

September 26, 1989



Romadka, Gontrum & Hennegan 809 Eastern Boulevard Baltimore, Maryland 21221

John O. Hennegan, Esquire

RE: Petition for Special Hearing NW/End Beachwood Road, 1300' NW of the c/l of Lynhurst Road (4102 Beachwood Road) 15th Election District - 5th Councilmanic District Frederick Theiss - Petitioner Case No. 89-479-SPH

Dear Mr. Hennegan:

In response to your Motion for Reconsideration request dated August 25, 1989, please advise me of the status of the Memorandum you intend to submit. The Motion indicated that a Memorandum would be submitted at a later date regarding the use of a portion of the subject property as accessory office space. Upon receipt and review of said Memorandum, a decision on your Motion will be rendered.

If you have any questions on the subject, please do not hesitate to call this office. Thank you for your attention to this matter.

Very truly yours,

ANN M. NASTAROWICZ

(H History

AMN:bjs cc: / gase File

Deputy Zoning Commissioner for Baltimore County

> LAW FIRM ROMADKA. GONTRUM & HENNEGAN ESSEX, MARYLAND

ZONANG OFFICE

IN RE: PETITION FOR SPECIAL HEARING

(4102 BEACHWOOD ROAD)

Frederick Theiss,

4102 Beachwood Road, says as follows:

the warehouse".

15TH ELECTION DISTRICT

5TH COUNCILMANIC DISTRICT

Petitioner

**** **** **** **** **** **** **** **** ***

Now comes, FREDERICK THEISS, by and through his

MOTION FOR RECONSIDERATION

attorneys, John O. Hennegan and ROMADKA, GONTRUM & HENNEGAN,

and respectfully moves the Deputy Zoning Commissioner for

Baltimore County to reconsider a portion of the Findings of

Fact and Conclusions of Law dated July 28, 1989, in the above

referenced case, pertaining to the subject property, known as

Findings of Fact and Conclusions of Law, dated July 28, 1989,

in the above referenced case, the Deputy Zoning Commissioner

stated "there was no indication that in the past the subject

property was used for office space by any of the previous

tenants", and that the facts presented "indicates a use of the

property for office space which is greater than accessory to

1. That on page 7 of the Deputy Zoning Commissioner's

NW/END BEACHWOOD ROAD, 1300'

NW OF THE C/L OF LYNHURST ROAD

BEFORE THE

* COMMISSIONER OF

* BALTIMORE COUNTY

* Case No: 89-479-

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this _25 day of

Hugust, 1989 a copy of the foregoing Motion for Reconsideration was hand delivered, Ann M. Nastarowicz, Deputy Zoning Commissioner for Baltimore County, and L. Robert Haines, Zoning Commissioner for Baltimore County, 1st Floor, County Office Building, Towson, Maryland 21204, and People's Counsel, Court House, Towson, Maryland 21204.

LAW FIRM ROMADKA,

GONTRUM & HENNEGAN ESSEX, MARYLAND

2. The Petitioner does not contest the Deputy Zoning Commissioner's findings with respect to the use of the onestory concrete building as a warehouse, but only with respect to the use of the property for accessory office space.

3. That, for reasons to be set forth in a Memorandum to be submitted at a later date, the Findings of Fact and Conclusions of Law of the Deputy Zoning Commissioner with respect to the use of the property for accessory office space, are not supported by the law and are against the weight of the evidence presented at the Special Hearing.

4. Based upon the Memorandum in support hereof and the allegations contained herein, the Petitioner respectfully asks the Deputy Zoning Commissioner to reconsider that portion of its Order dealing with the use of the subject property as accessory office space.

WHEREFORE, Petitioner respectfully requests this Board reconsider that portion of their Opinion dealing with the use of the subject property at 4102 Beachwood Road, as accessory office space.

ROMADKA, GONTRUM & HENNEGAN 809 Eastern Boulevard Baltimore, Maryland 21221 (301) 686-8274 Attorney for the Petitioner IN RE: PETITION FOR SPECIAL HEALING NW/End Eeachwood Road, 1300' NW of the c/l of Lynhurst Road * DEPUTY ZONING COMMISSIONER (4102 Beachwood Road) 15th Election District * OF BALTIMORE COUNTY 5th Councilmanic District * Case No. 89-479-SPH Frederick Thi :s

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a warehouse as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by John O. Hennegan, Esquire. Also appearing and testifying on behalf of the Petition were Joseph Bruno, Sr. and Joseph Berardino. Appearing as Protestants were the following adjoining property owners: Walter R. Hnatiuk, Louis and Linda Mueller, Ruth Mershon, Wanda Hand, John and Irma Bryant, Ronald and Martha Nestor, James J. and Catherine I. Steiver, and Jim and Helen Montgomery.

Testimony indicated that the subject property, known as 4102 Beechwood Road, consists of 2.4 acres more or less zoned D.R. 5.5, and is located within the Chesapeake Bay Critical Areas on Back River. Said property is improved with a one story concrete block building and a two story residence. Prior to 1976, the property was zoned M.H.-I.M. Mr. Thiess testified he purchased the property on March 25, 1988 and uses the building as a warehouse and office space for shipping and receiving of goods associated with his office supplies and furniture business. Mr. Thiess testified he supplies general office supplies, including, but not limited to, stationary and furniture, and is a dealer for the Nashua Corporation

ont of New Hampshire. Mr. Thiess testified that he has a retail store located on North Point Boulevard known as Reliable Office Products. As a result of a complaint filed in the Zoning Office, Petitioner was advised to file a Petition for Special Hearing to establish the nonconforming use of the property for warehouse space. The site plan indicates the property is used for both warehouse and office space. Mr. Theiss testified that since his purchase of the property, he has used the site for warehousing his supplies and as office use associated with his business. Testimony presented by Mr. Theiss was that in addition to himself, his wife, neice, and a driver work from the subject site. He further indicated that there are three phones and desks on the property for office use. Mr. Theiss testified that customers have only been to the site approximately 5 times and that the materials are shipped to the premises and delivered to customers and/or the retail store by his employees.

Joseph Bruno testified that he owned the subject property from 1973 to 1976. He further testified that prior to owning the property, he was involved for numerous years as a property manager for the previous owners of the subject property. Testimony indicated he has had direct contact with the property since the late 1950s. Mr. Bruno testified that prior to 1963, the subject building was used as the headquarters for the Wells-McComas Democratic Club until the property was sold to four individuals, one of whom was his father. Mr. Bruno indicated that from 1963 to 1972 the property was leased to an individual who manufactured and stored cabinets on the premises. Thereafter, from 1972 to 1973, the property was leased to North Point Furnishers for the purposes of warehousing and distribution of their product. Mr. Bruno indicated that from 1978 to 1985 the property was leased to L. C. Hohne who used the property to warehouse

swimming pool materials. Thereafter, from 1985 to 1988 the property was leased to Louis D. Fillipino who warehoused items acquired by him in his endeavors in flea marketing. To support his testimony, Mr. Bruno introduced his rental records for the property from July 1973 to March 1988.

To support Petitioner's position, Counsel for Mr. Thiess introduced as Petitioner's Exhibit 6 the Department of Assessments and Taxation records for the property which indicate that the property was assessed as a house and warehouse space from 1984 through 1989 along with a worksheet for the periods of 1979 through 1989. The worksheet confirms the rental of the property and its use for storage purposes by various tenants.

Mr. Berardino testified he purchased the adjoining property, known as 4104 Beachwood Road, in 1974 and has had continual contact with the subject property since then, either renting or using same as his primary residence since 1987. Mr. Berardino testified that there have been no exterior changes to the property since 1972 and to the best of his knowledge and belief, the property has been continually used for warehousing

The Protestants' testimony presented by Mr. Berry, Ms. Hand, and Mr. Mueller expressed their overall concerns regarding the use of the property since it is zoned residential. The Protestants believe the heavy tractor trailer traffic to and from the subject property and other businesses in the vicnity is hazardous to the community as the roads are narrow. The Protestants indicated they do not feel the previous use of the property by Mr. Fillipino to store items purchased at flea markets is warehousing. Their main concern is that the traffic generated to and from Petitioner's use of the property will be greater than in the past.

ROMADKA, GONTRUM & HENNEGAN

LAW FEM

- 2-

ESSEX MARKUNIO

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calboun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McReny v. Baltimore County, Md., 39 Md. App. 257, 385 A.21 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective

date of the adoption of these regulations may continue, provided, however, upon any change from such scaconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire cr otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations or March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

> "104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

the ground floor area of buildings so used."

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. Said modification is irrelevant to the factual situation in this instance and therefore will not be set forth herein.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning and/or was permitted as of right thereafter. In this case, the testimony presented clearly proved the use was permitted as of right until 1976 under the then zoning of the property as M.H.-I.M. Said use has continued since.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d.

It must be determined whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. The case law in Maryland is clear that an extension of use and the intensification of use are not one and the same. The evidence presented by the Protestants in opposition to the nonconforming use concerning the increased traffic is considered to be an intensification of use. The testimony was clear that there was no exterior change to the subject property; however, Petitioner proposes using the property for office space as well as warehouse space. The Maryland cases have generally held that when there is a change from one nonconforming use to a new and different use, the new use is held to be an unlawful extension of the use. Thus, the nonconforming use is deemed to have expired. However,

when the testimony is found to create a factual scenario of the property being used more frequently, the use is held to be a lawful intensification. In those instances, the use is a valid nonconforming use. See Feldstein v. Lavale Zoning Board, 246 Md. 204, 227 A2d, 731 (1967), Tahniger v. Staley, 245 Md. 130, 225 A2d, 277 (1967), Phillips v. Zoning Comm'r of Howard County, 225 Md. 1102, 169 A2d, 410 (1961).

After due consideration of the testimony and evidence presented, it is clear that a nonconforming use of the subject property as a warehouse has existed continually and without interruption since 1976. Said use at that time was a permitted use as of right. However, there was no indication that in the past the subject property was used for office space by any of the previous tenants. The facts presented regarding three employees working out of the premises indicates a use of the property for office space which is greater than accessory to the warehouse. To permit such use to continue would be an unlawful extension of same; therefore, such use must cease. Office use on the subject property shall be limited to having a small subordinate area set aside as accessory to and for managing the warehouse. The general office space for the business must be located elsewhere.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of July, 1989 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a warehouse be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its

original condition.

2) Any office use on the subject property shall be limited to the small subordinate area set aside as accessory to and for managing the warehouse use of the one-story concrete block building.

3) Within thirty (30) days of the date of this Order, Petitioner shall provide detailed floor plans of the interior space clearly designating the area reserved for accessory office use, which shall be limited to one (1) employee at any given time, except for individuals dropping off and picking up warehouse items. Office equipment shall be limited to one (1) desk, one (1) telephone, and one (1) computer and/or typewriter. Said plans must be approved by the Deputy Zoning Commissioner as being found in compliance with the terms and conditions of this Order or the use granted herein shall be rescinded.

4) Within sixty (60) days of the date of this Order, Petitioner shall provide documentation, i.e., lease agreement, etc., of a principal sales office at another location. Petitioner shall submit in writing for the case file updated documentation of principal office as location changes or as requested by the Zoning Enforcement Office.

5) There shall be no retail sales from the subject

6) The building designated on Petitioner's Exhibit as two-story residence shall be used for residential purposes only.

7) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

John O. Hennegan, Esquire 809 Eastern Boulevard Baltimore, Maryland 21221

Case No. 89-479-SPH

RE: PETITION FOR SPECIAL HEARING NW/End Beachwood Road, 1,300' NW of the c/l of Lynhurst Road (4102 Beachwood Road) 15th Election District - 5th Councilmanic District Frederick Thiess - Petitioner

Dear Mr. Hennegan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: All Protestants

People's Counsel

Chesapeake Bay Critical Areas Commission Tawes State Office Bldg., - D-4 Annapolis, Md. 21404

DEPRM

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ non-conforming use of the petitioners' property as a warehouse

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

I/We do solemnly declare and affirm. under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Frederick Thiess

	(Type or Print Name)	(Type or Print Name)	
	Signature	Signature	
	Address	(Type or Print Name)	
	City and State	Signature	
ì	Attorney for Petitioner:		
J	John O. Hennegan	4102 Beachwood Road	(301) 388-079
1	(Type of Prin Name)	Address	Phone No.
22	Signature Signature	Baltimore, Maryland City and State	21222
7	Address Roulevard	Name, address and phone number of tract purchaser or representative to	
Ŕ	Baltimore, Maryland 21221	Same as above	
1	City and State	Name	
4	Attorney's Telephone No.: _686-8274		
H	· -	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19.5%, that the subject matter of this petition be advertised, a required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 26th day of May

Z.C.O.—No. 1

Contract Purchaser:

FRANK S. LEE

335

CRITICAL AREA

1277 NEICHBORS AVE. - BALTIMORE, MD. 21237

December 5, 1988

Registered Land Surveyor

No. 4102 Beachwood Road · 15th District Baltimore County, Maryland

Beginning for the same at the west end of Beachwood Road as laid out and shown on the plat of Beachwood, said plat being recorded among the land records of Baltimore County in Plat Book 10 folio 123 and being Lot 24 on said plat.

Containing 2.40 acres of land more or less.



AMN:bjs

Zoning Commissioner of Baltimore Cour

89 _479-SPK CERTIFICATE OF POSTERS ZONING DEPARTMENT OF BALTIMORE COUNTY District 1376 Posted for: Special Hearing Fre Louist Thiess Location of property: NW / End Beach wood R. 13061 NW/tun hurst Rd 4102 Beach wood Rd. Location of Signer Foreign Books would Rd eprice I'FX nordway, CERTIFICATE OF PUBLICATION NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, localed at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as vollows: TOWSON, MD., 77044, 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed Petition for Special Hearing Case number: 89-479-SPH NW End Beachwood Road 1300' NW of Lynhurst Road 4102 Beachwood Road 15th Slection District 5th Councilmanic Petitioner(s): Fredrick Thiess Hearing Date: Friday, May 26, 1989 at 9:30 a.m. and published in Towson, Baltimore County, Md., appearing on mgy 4 , 19.89 PHONE: 687-4224 Special Hearing: Non-conforming use of the petitioner's properly as a warehouse. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner wit, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. THE JEFFERSONIAN. 5. Zahe Orlin PO12030 S.C. Petition 4 2 Fredrick Thiess reg M28927 REQ M 28926

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein is Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
Case Number: 89-478-SPH
NW End Beschwood Road, 1300' NW This is to Certify, That the annexed Keg m 28926 was inserted in Ge Times, a newspaper printed e/1 Lynhurst Road 4102 Beachwood Road 16th Election District — 5th Counand published in Baltimore County, eace in each cilmanic
Petitioner(s): Fredrick Thises
HEARING SCHEDULED: FRIDAY me MAY 26, 1989 at 9:30 a.m.

Special Hearing Non-conforming use of the petitioner's property as 46 fet way warehouse.
In the event that this Petition is In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a Lay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. sented at the hearing.

2. Rehert Makes Ge Times . IC. 9506 Belair Road Baltimore, Maryland 21236 BILLING TIMES | LINES PUBLISHED BY THE SHIELD PRESS INC. Subscription Rates: In County - \$6.50 Post Office Outside at Harford Co. - \$7.50 Baltimore County Maryland Office of Finance 39-479-SPH Room 150 Court House MAKE CHECKS PAYABLE TO THE ESSEX Towson, Md. 21204 -4665 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TIMES,INC P.O. NO. 12031 Hay 4/89

BALTIMORE COUNTY, MARYLAND
OFFICE OF TRANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT mr 01-615 AMOUNT \$ 100.00 5 second Henry (Iten, 335) B 113*****10000:a 2056f Tracking System Baltimore County Zoning Commissioner
Office of Planning & Zoning Receipt FEE Number TYPE Identification Number Petitioner: 7 h 1655 Frederick (Middle Initial) Property Address: 4102 Beachwood Road

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines Zoning Commissioner Mr. Frederick Thiesa 4102 Beachwood Road Baltimore, Maryland 21222

Petition for Special Hearing CASE NUMBER: 89-479-SPH NW End Beachwood Road, 1300 NW c/l Lymnurst Poad 4102 Beachwood Road 15th Election District - 5th Councilmanic Petitioner(s): Fredrick Thiess HEARING SCHEDULED: FRIDAY, MAY 25, 1989 at 9:30 a.m.

Please be advised that \$\frac{16.06}{16.06}\$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not

Very truly yours,

Date: 5/15/89

J. Robert Haines J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: John O. Hennegan, Esq.

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

April 17, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-479-SPH NW End Beachwood Road, 1300' NW c/l Lynhurst Road 4102 Beachwood Road 15th Election District - 5th Councilmanic Petitioner(s): Fredrick Thisss HEARING SCHEDULED: FRIDAY, MAY 26, 1989 at 9:30 a.m.

Special Hearing: Non-conforming use of the petitioner's property as a warehouse.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. P. Joines J. ROBERT HAINES Zoning Commissioner of Baltimore County

co: Frederick Thiess John D. Hennegan, Esq. Wells-McComas Improvement Assoc. Pat Williams/Dundalk Avenue Chesapeake Bay Criticial Area Commission BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 4, 1989

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21264 John O. Hennegan, Esquire 809 Eastern Boulevard

Baltimore, MD 21221

RE: Item No. 335, Case No. 89-479-SPH Petitioner: Frederick Thiess Petition for Special Hearing

Dear Mr. Hennegan: Department of

MEMBERS

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial

Zoning Administration

State Roads Commission

Burcau of

TERMS: NET 30 DAYS, THEREAFTER A LATE CHARGE OF 2% PER MONTH OR SI EACH MONTH, WHICHEVER IS

> The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

> Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, James E. Deyer/jw **V**Chairman

Zoning Plans Advisory Committee

JED:jw Enclosures

cc: Mr. Frederick Thiess 4102 Beachwood Road

Baltimore, MD 21222

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

Received by: James E.Dver Chairman, Zoning Plans

Advisory Committee

County Office Building 111 W. Chesapeake Avenue

Towson, Maryland 21204

<u>12th</u> day of <u>April</u>, 1989.

Petitioner's

Attorney

John O. Bennegen

Your petition has been received and accepted for filing this

ZONING COMMISSIONER

March 1, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building



ZONING OFFICE

Dear Mr. Haines,

Towson, MD 21204

The Bureau of Traffic Engineering has no comments for items number 331, 332, 335, 337, & 338.

Very truly yours,

Tyselad S. Flungi-Michael S. Flanigan Traffic Engineer Assoc. II

MSF/lab

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Frederick Thiess

Location: NW end of Beachwood Road

Dennis F. Rasmussen

Item No.: 335 Zoning Agenda: February 21,1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accor-dance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at ___

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

/jl

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer Zoning Supervisor

DATE: March 2, 1989

FROM: James H. Thompson Zoniny Enforcement Coordinator

RE: Item No. 335 (if known) Petitioner: Thiess (if known)

VIOLATION CASE # C-88-2552

LOCATION OF VIOLATION 4102 Beachwood Road

DEFENDANT Frederick Thiess

ADDRESS 4102 Beachwood Road Baltimore, MD 21222

Please be advised that the aforementioned petitics is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Marjorie Hill, President

Wells-McComas Improvement Assoc. 8109 Raymond Avenue

Pat Williams

The Dundalk Avenue 4 Center Place Baltimore, MD 21222

Baltimore, MD 21222

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the viclation case.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines

DATE: April 10, 1989

FROM: Mr. Robert W. Sheesley

Zoning Commissioner

SUBJECT: Petition for Special Hearing to Establish Non-conforming Use - Item #335 4102 Beachwood Road Chesapeake Bay Critical Area Findings



ZONING OFFICE

The subject property is located at 4102 Beachwood Road along Back River. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has requested a Special Hearing to establish non-conforming use of the petitioner's property as a warehouse.

The existing structures on the site are a 572 square foot residence, a 3,911 square foot one-story office and warehouse, and 167 parking spaces. The lot is approximately 2.40 acres and is surrounded on two sides by tidal wetlands to the southwest, and Back River to the

In reference to non-conforming use, the Chesapeake Bay Critical Area Criteria states:

"After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of the program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances." <COMAR 14.15.02.07.A>

In accordance with the above Criteria and Baltimore County Zoning Regulations, (1981, Sec. 104.1), the above use is permitted to continue if deemed a non-conforming use by the Baltimore County Zoning Commissioner.

In the future, if an expansion of use is proposed that exceeds 25% of the ground floor so used, the Department shall regiest a Critical Area Findings Plan that addresses the Chesapeake Bay Critical Area requirements.

Mr. J. Robert Haines April 10, 1989 Page 2

Please contact Mr. David C. Flowers at 887-3890 for further information.

> Department of Environmental Protection and Resource Management

RWS:DCF:tjg Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman R. Lauenstein The Honorable Dale T. Volz

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: May 25, 1969

Zoning Commissioner FROM: Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case # 89-479 SPH Item # 335

Re: Frederick Thiess

TO: J. Robert Haines

A landscape plan is desirable. Landscaping should be provided to buffer residences along Beachwood Road

A:52689.txt Pg.3

May 1	1989		
8250 Bea			
Baltimor	e, Mar	yland	2122
		3	•

Item 335

Mr. Z. Robert Haines Zoning Commission maltimore County Zoning Office Baltimore, Maryland 21204

Dear Mr. Haines,

We are writing this letter concerning Case no. 89-479-SFH

Fred Thiess Beachwood Road Baltimore, Maryland 21222 Due to work schedules, we are unable to attend the hearing but would like to voice our opinions through this letter in our

The small community bordering Beachwood Road consists of approximately thirty residential homes of families with elderly people and many children. There are no sidewalks and one narrow main road (dead end) which barely allows two cars to pass each other. A large truck traveling on the road would allow no room for pedestrians or other oncoming vehicles.

The road conditions in our community are deplorable. There are large potholes and poor drainage. During a moderate rain storm, the road floods to the point where only one vehicle can rass at one time. We are in desperate need of a new road. An increase in heavy load traffic would only deteriorate the road surface more quickly.

In addition to the road conditions, there is only one main road leading in and out of our community. The volume of residential is already heavy without the added vehicles involved

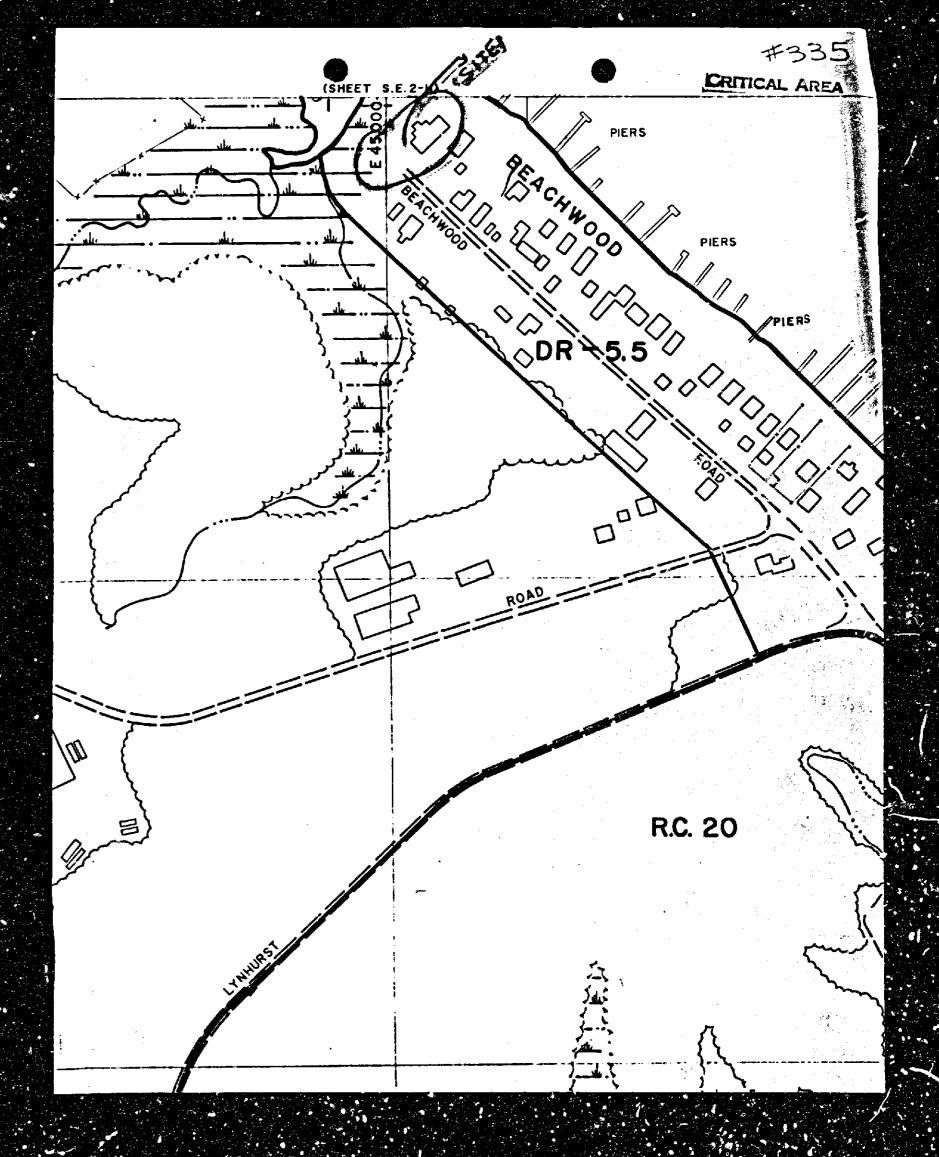
with a business. Aside from the above facts, we feel the future quality of our community is at risk here. If the zoning is changed for this lot owner, we could be faced with the possibility of other businesses starting up in our residential area in the future.

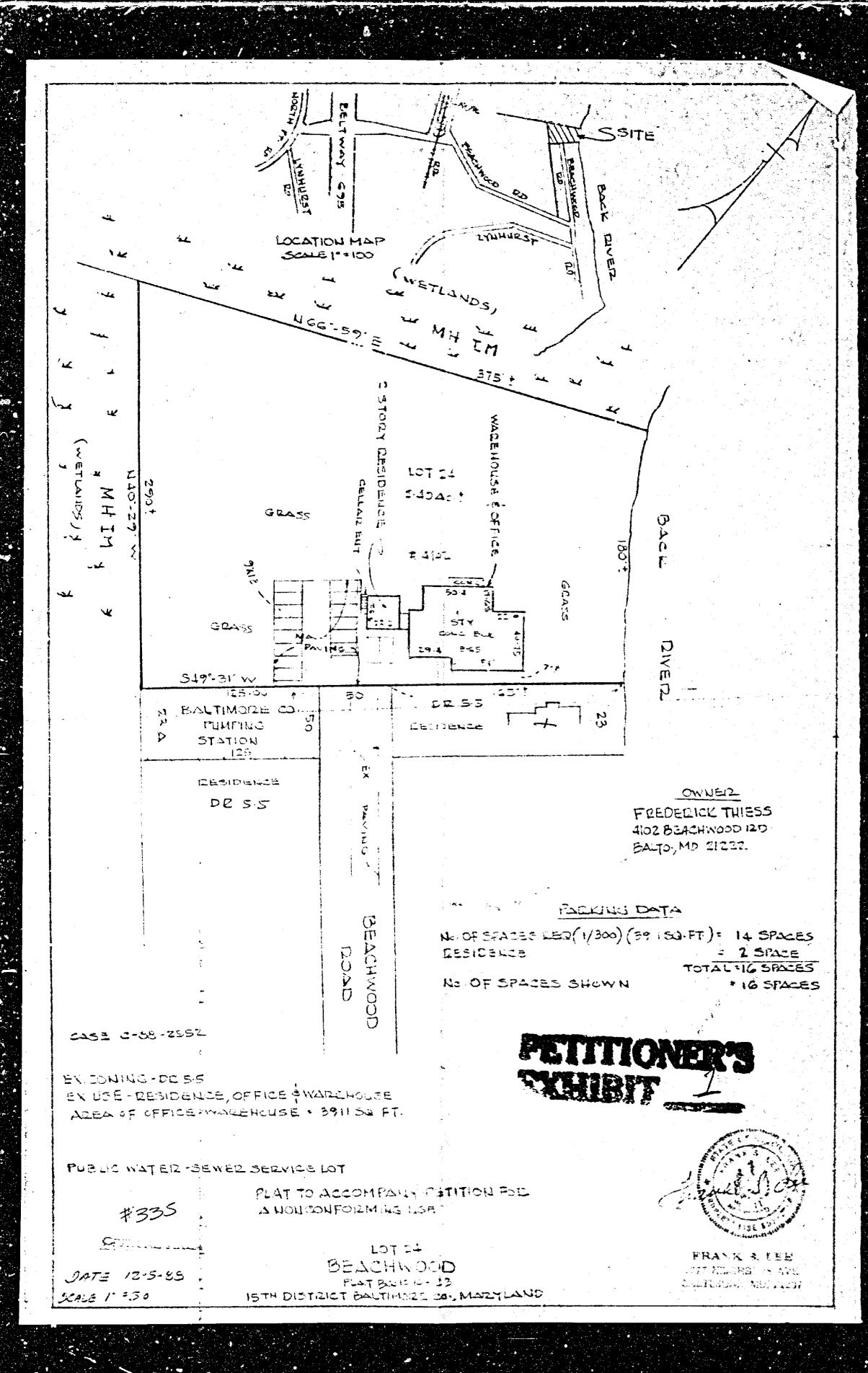
In closing, the county zoning board decided this issue only a short time ago in October. Since then, Mr. Thiess has continued operating his business without interruption despite county's ruling. We feel it is unfair to waste the county's time and the residents' time and inconvenience again on the same issue. Beachwood Road is a nice family community near a critical area of the Bay, and we hope to keep it as so for the future. Thank you for your time in this matter.

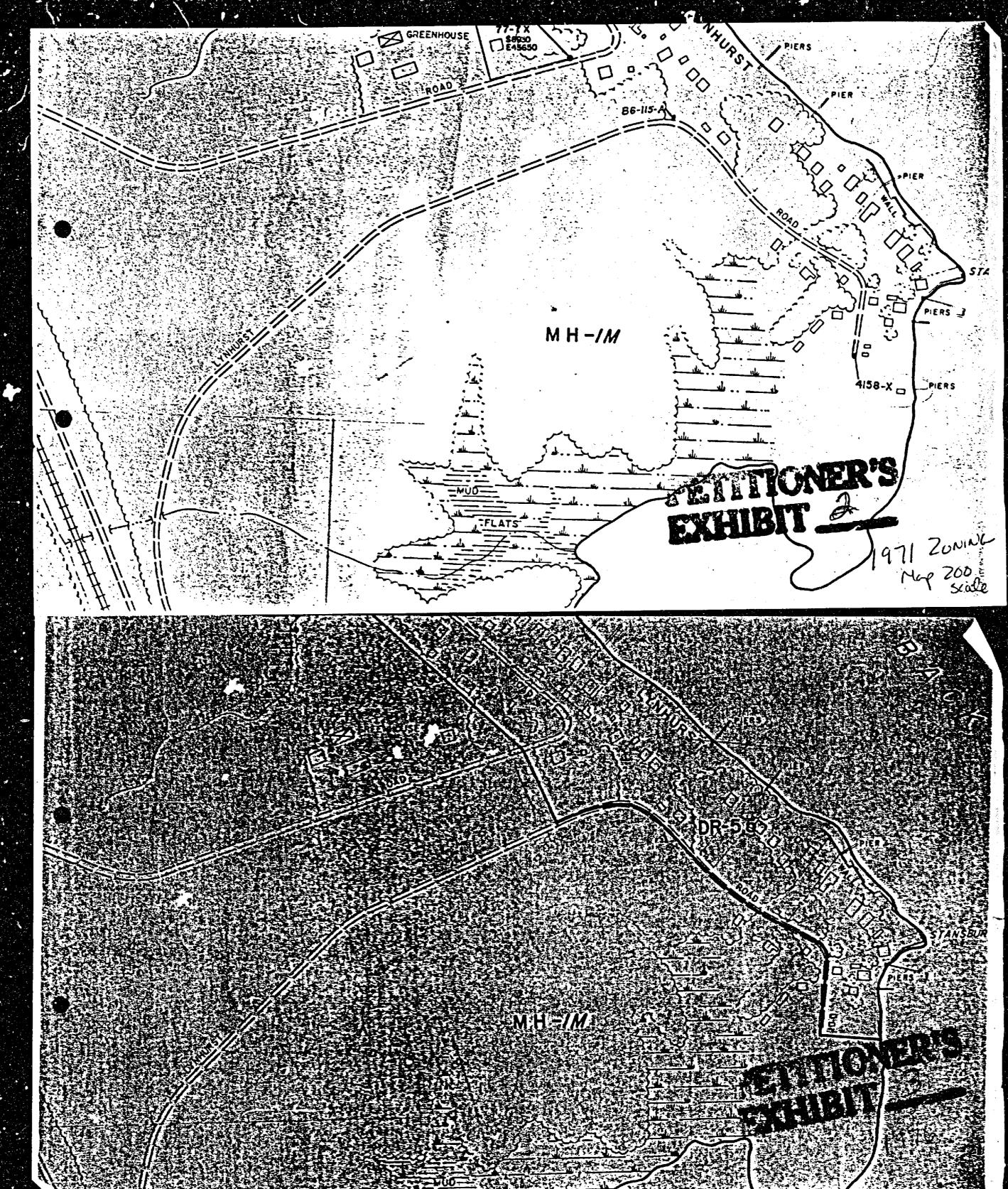
Mr. and Mrs. Martin R. Nyman

E PRINT CLEARLY	PROTESTANT (S) SIGN-IN SHEET
NAME		ADDRESS
inta R An	ãn X	4128 Beachwood Rd
Louis Muelle		4124 Beachwood Rd
LINDA Mu	ELLER	4124 BEACHWOOD RD
RYTH MER	SHON	4122 BEACHWOOD RD
Warda Hon	4	4119 Beschwood Rd
God Briga	nt	4134 Brokund Rd
Arma Brys		4134 Beachwood Rd
Whitha West		Haab Lynhurst Rd 2122
Transla VES	NOR	1228 LYNhuRST- Rd. 2122
and I have	t)	4140 BEACHNAOD RD 4140 Beachwood Rd
I'm + ZEIEN	April Carre Ex.	4132 BEACHWOOD Rd 212
/ / _octeb II	Ton Borney	THE THE HIMITED AND AND
		· · · · · · · · · · · · · · · · · · ·
	· · · · · · · · · · · · · · · · · · ·	
		• · · · · · · · · · · · · · · · · · · ·
	·	
		
		•

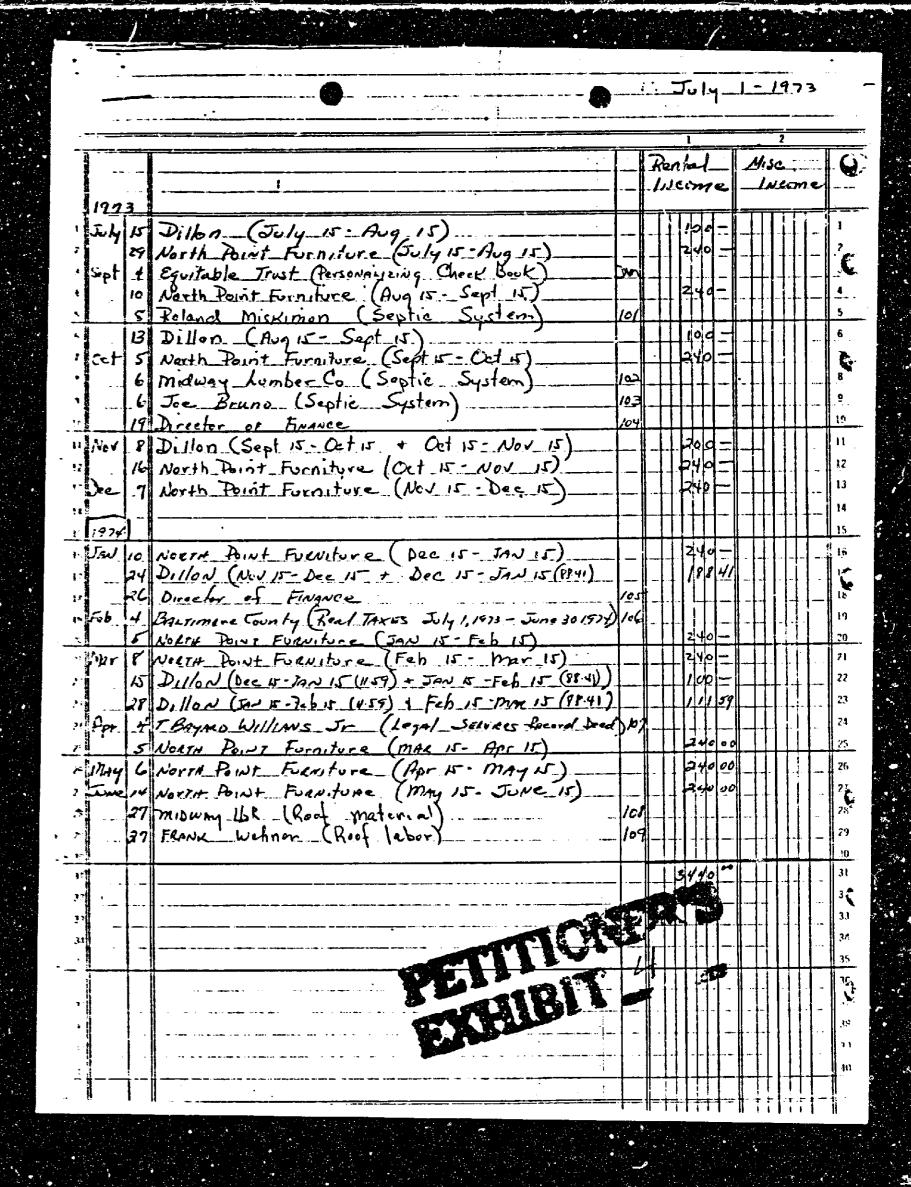
00	66
PLEASE PRINT CLEARLY PETITIONER(S)	SIGN-IN SHEET
NAME (ADDRESS
the Thress	4107 Beachward Ross
JA BORFRY (iv)	4104 BEALDWAY M-
Joseph Bring Se	3144 MAINI AYE.
Henry Thur	•
Anthony Mafal	
Alu Barett	125 Club Rd.
Jem J. Moran	1400 STOCKTON Ed. JUNA ZIOFS
Mane 10 House	4515 muntielel are
Hair Col Junion	4517 Maintield ave
Brada Cliescoan	,
Al I III	\$ 1.0
Charoline of child	4513 Manf. 1. a.
Qual Shings	45/3 Manf. W. Che.
Yuck royson	_ / See Oright Him
Loni Shias	4102 Beachwood P.C.
	·

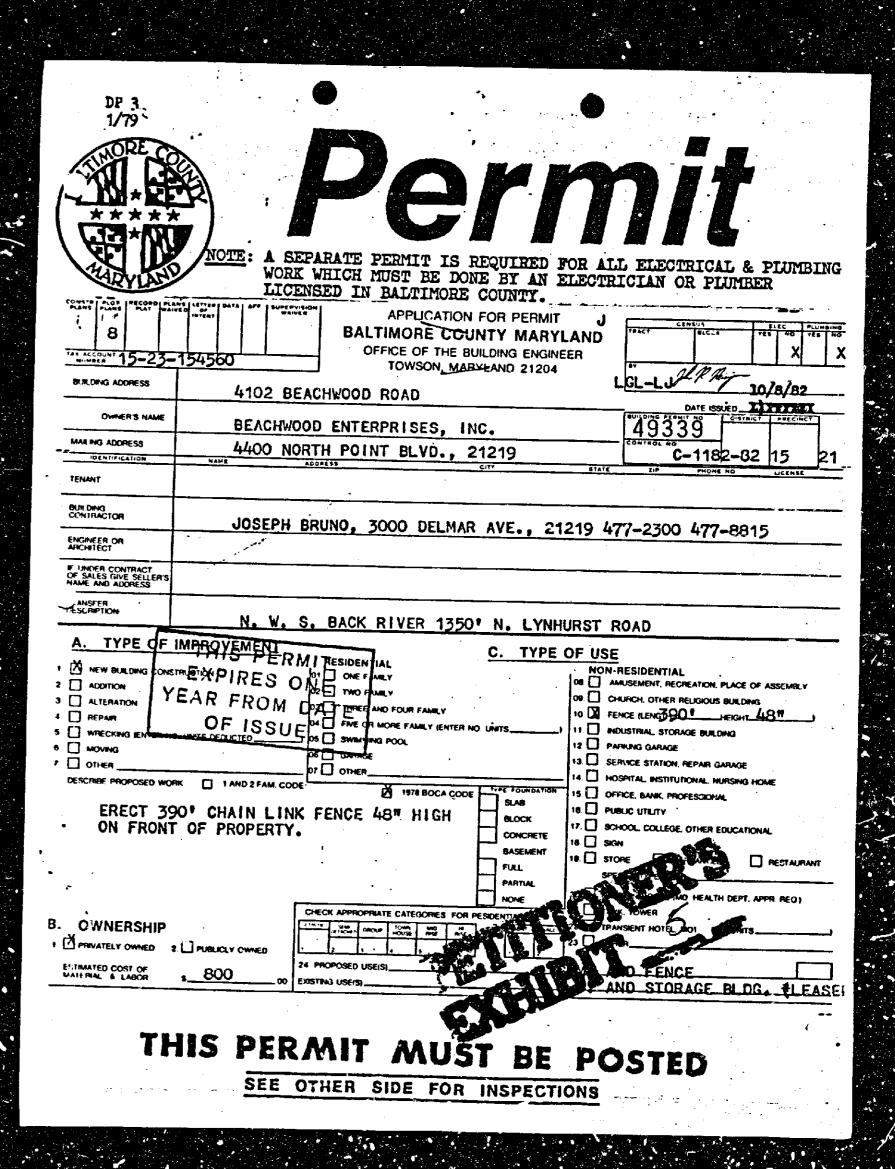




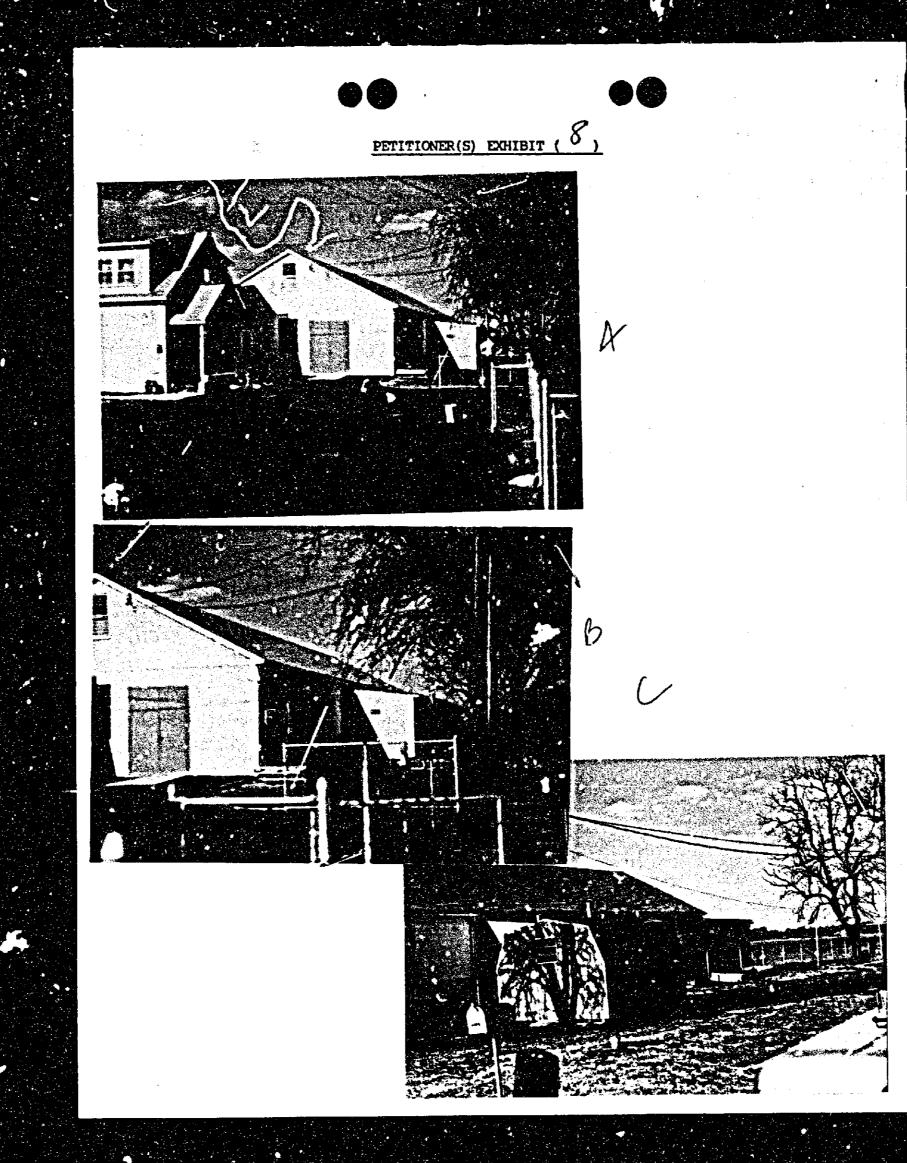


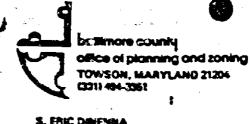
, CARD NO OF	CONED	l			54560	DIST. 15	MAP 104	NOCK-J4	4	PARCED TUD	29 use 31	AREA UCUZO	CARD MUMBER
STATE STAMP CONSIDERATION 38 + 144	CAPITALIZED G.A.	CHECKED	- 1	435	86,	88 A.F. 68	OO GA	CHECKED I	'. D	UST 15	15-23-1	SASAN CAR	GALL CHECKED BY
	;3 'M	(J)	c	Bijti	Borto to	oint Plvd Lryland 212	W (1/3	- 5 T	ALE PR HIESS, 102 BA	FREDERIC FREDERIC CK RIVER RE MD 21	C GR	\$0
ANSFER NO. TRANSFER WATER	F. 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	D 1535		пХен 53972	Ex 5/	9/86 i	7158	554		FAI. 09:	2087 04/1	4/88DEED7	1E 3M
om CELS ACCUMAS DEMOC		TU		Ľ	BF YCH	AME OF DEVELOPME	NI	<u> </u>			PLAT BO	okłono prod	CK NO. SECTIO
1100 percound	SRUUP 3			141	MS BACI	CKIVEK			1	350 F1	II LYKHU	KSI KU	
LUATION SUMMARY	84-85FV	1985-86	EA.	1585	5-60 FY	88-89 FCV	T			-		45	7
nd _	57,990	10200	·	8	0/60	93520							1
ildings (siher)	33,410	3720			7200	39750				-			-
DTAL DY+/D:t	71,400	13920		$\overline{}$	-	133270						0	F
sessed By		79			23	52							
te		7/18/	٤٧		21/85	8.10.17						3	
te of Notice		E .				DEC 8 1987	1				129		1
w Owner Notice				-						A	3		1
ptested		Janel	7185						A	45			
te of Hearing		28. 21 . mj.							V				1
al Notice				RC1	, 70 °C								
her Appeal													
sessment Changed		51	019		5184	34502							
sted cy			49		33	m						-	
											·		
		1			£.8 V-L.	LAND VALL				II V 1		1 ·· F II · · ·	
es/Sq. Ft. 2.40 ac-	104544 F	Closs	Acres/S	q. ft.	Full Value Rate	1985-86 F.Y	Full Value Rate	1535.8		Full Value Rate		Full Value Rate	
70.07425.00 X 105.	33/270.03	Prime	1 Ac	, 	<u> </u>	60000	GC, CON	60.	<u>.^1)</u>	70 K	7000	ļ	
		Secondary	1.41	<u>. </u>	30000	42000	1.4	 		1.42		 	-
Width Eff. Depth		Tertiory	 				1440	3010	- 0	1633	123520	-	-
oth Factor Cor. Inf.	Vac.	Other	 	— ∤				 		ļ		 	ļ
of Inf. Alley Inf.		 	 	 			 	1			07520	 	-
TOTAL VALUE				ᆛ		102000	<u> </u>	18011		<u> </u>	13.520	I Char	1
orks: YATER	FROMT P		<u> 3bj</u>	165	<u> به ۲۰ کر .</u>	STAP PLA	to light !-	. <u>. ! [</u> ; :	<u>- 1₀ ,</u>	. 1921 . 19 .	<u>, ', 2</u>	Work Story	Car Cred

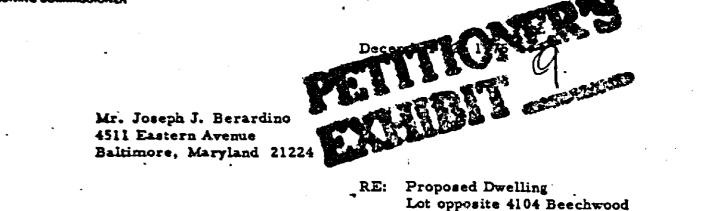




3,997	Moto Depart ASSES	WHEN TO ADMINISTRATE AND TAXABLE SHOWING BEAUTY BARRYLAND SHOWING BEAUTY	XHUE		G. 01003		CLERENT: FREF LANC TOTAL LAND. BLDGS/CTHER	21.730 500 22.230
01 104 04 00029 15 03 104500 5447 0455 CHEOUD ENTERPRISES INC 100 10474 PUINT 14 15 11MORE MI 2144	BEACH 27042 390.00 165.30 8024 425.00 190.88 841	10 122	- DASZDINER	CUMPLEATER CURRENT: PREF LAND 25.310 TOTAL LAND 27.800 BLDGS/OTHEK 55.110 TOTAL ASSESSMENT	57. 710 55.410 91.430 35.750	1	1 MENT	7,910
	DASA41 S41174 BELLS M.CDMAS DEMI	30-144 C CLUBDE BALTL	FULL VALUE SUMMA	RY EXEMPT	1984-85		CURRENT:	1983-84
LS MCCUMAS PUST 2007 VETERANS REISH WARS	27837 LT 20	2 850 84 886 88 838	PRIOR: - PREF LANDING TOTAL LAND: - 0:05500THER	CURRENT: PREF LAND. 4.000 TOTAL LAND. 62.300 BLDGS/OTHER 60.300 TOTAL	15.250 01.290 77.540	2	FREF LANC. TCTAL LANC. BLDGS/CTHER TCTAL	15.090 29.120 44.210
CTIMBRE NO 2121			EXEMPT - E96 - ASSESSMENT EXEMP FULL VALUE SUMMA	T10N••• 35•720	1484-45		MENT	17,610
LS MCCUMAS PUST 2070VETERANS MELGN WARS DO HUNTH POINT NOT LITHURE MD 2121	2763c LT 1 120.00 65-00 100.00 150.00 00	DA DE SJE DOD REAR LOTS 1 2 3	PRIUR: - PREE LANDOO TOTAL LANDO - BLOGS/OTHER TOTAL	CURRENT: PREF LAND 5.660 TOTAL LAND 1.700 BLDS/OTHER 7.360 TUTAL	25.800 (2.000 27.800 (3	CURRENT: PREF LANC	1983-84 57.990 33,410
1 1 1 05 00141 5 15 23 154572 LLS MCCDMAS PUST 2076UF U S INC MU NORTH PI RE	27a3c	H POINT	FULL VALUE SUMM/ PRIDA: PRIDA: PRIDA: PRIDA: LAND: BLOGS/OTHER TOTAL:		11.000	4	BLCGS/CTHER TCTAL	91.400 34.800
ETTHURE MG 21214	27-30 151010	· · · · · · · · · · · · · · · · · · ·	EXEMPT - EV6 - ASSESSMENT EXEM				XEMPT	1983-84
34 111 04 00103 5 15 23 154073 4504 0572 ELLS MCCOMAS PLUT 270VETERANS ORLIGN WARS UN 5 185 500 NORTH POINT NO	27035 NEW 06-86 236-70 5-00 274-00 06	NORTH POINT ED DOOD NEW NUMBER PLANT S DSO NE S ELD WERTH PLANT	ES TOTAL	CURRENT: PREF LAND- TOTAL LAND- BLDGS/OTHEL. A-010 TOTAL ASSESSMENT	9.360 9.360 9.300 4.073		5 PREF LAND. TITAL LAND. BLOGS/CTHER TITAL	15,250 62,290 77,540
ეგ იყი სპ მმმმ 5 15 23 154580 ::7cc მმპი	L MAR	YLAND MANUE.	FULL VALUE SUMM PRIVATE AND	CURRENT: PREF LAND	1954-85	\$	34,320	
ETTZCL. CALVII. E ETTZCL. RICHARU ! 20. 04TH DI	40.07 125.00 40.07 125.00 0		ELJUS/CTMEH	32.66W BLOGS/OTHER 37.41G TOTAL				







Road - 15th Election District

RE: Proposed Dwelling
Lot opposite 4104 Beechwood

Dear Mr. Berardino:

I am in receipt of your letter of November 7, 1975, in which you request information on the above referenced matter.

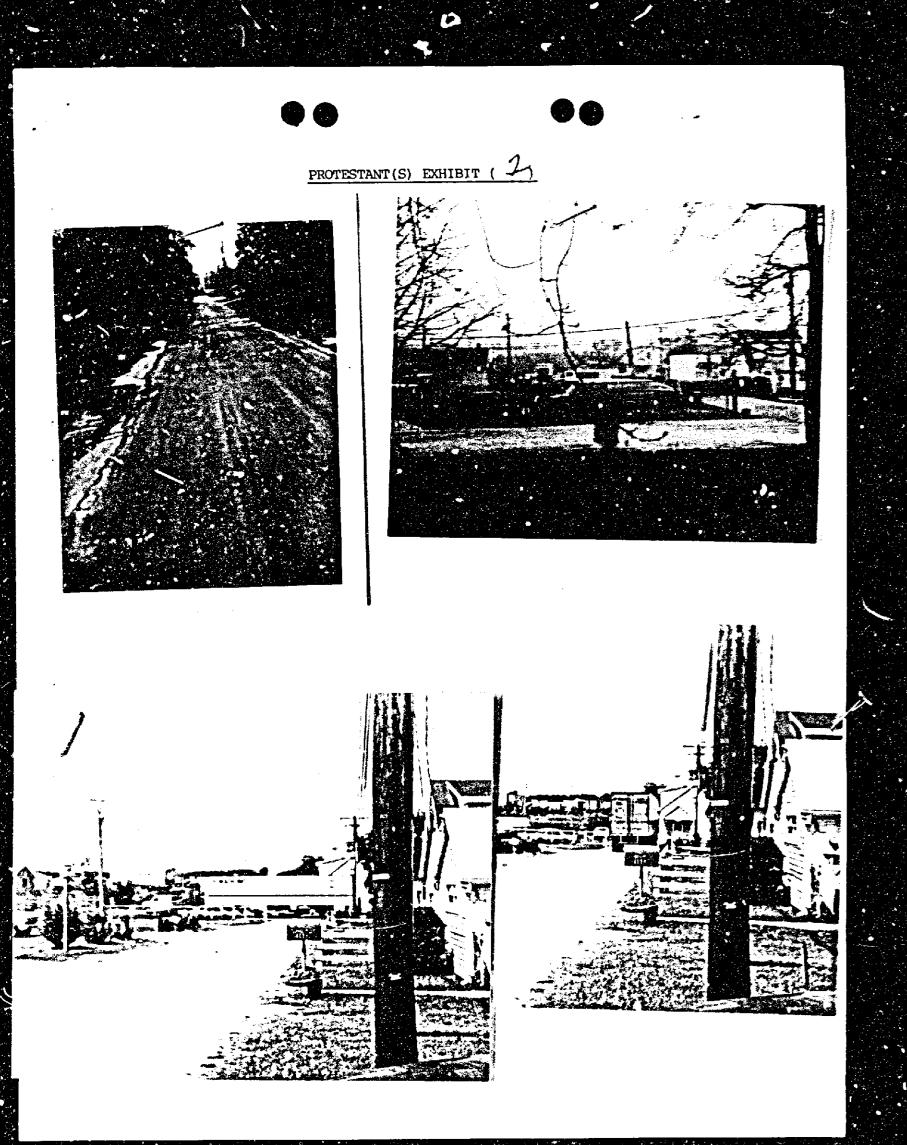
This is to advise you that the subject property is currently zoned Manufacturing, Heavy (M. H.) and additionally enjoys an Indictivel. Major (L.M.) District. This classification would not permit a dwelling to be constructed on the subject property. However, since the lot is he cated ! a residential community and is surrounded by existing dwellings. this office would approve a building permit for the lot.

If you have any further questions regarding this matter, please feel free to contact this office.

> S. ERIC DI NENNA Zoning Commissioner

SED/DAS/scw

cc: Mr. George J. Martinak, Deputy Zoning Commissioner Mr. James E. Dyer, Zoning Supervisor Mr. Douglas A. Swam, Zoning Technician II



RE: ALLEGED ZONING VIOLATION on property located at 4117A Beachwood Road William J. Titus, Defendant PERMIT APPLICATION for a shed on property located at 4117A Beachwood Road 15th District William J. Titus, Appellant

These wies come before the Board on appeals from a decision of the Zoning Commissioner, dated May 5, 1981, ordering an accessory structure and a tractor trailer be removed within sixty days from the date of the Order, and also from a decision of the Buildings Engineer, dated January 16, 1981, denying an application for the use of an accessory structure on a lot that contains no principal building.

There are two issues to be considered in this case, the storage of a tractor trailer and the erection of a storage shed on residential property. Mr. William Titus, the property owner, testified that he purchased the site in 1974 at which time it was zoned M.L. Mr. Titus' purpose for the purchase of the property was for the storage of his tractor trailer, which is his means of livelihood. He did not at this time, however, apply for this use of the property, which would have required a special exception. In 1976 the comprehensive map process downgraded his property from M.L. to D.R., and this residential classification precludes the storage or parking of a tractor trailer on this site. Mr. Titus testified that he has made continuous use of the property for this purpose for over seven years with no prior complaints, and produced signatures from twelve neighbors not objecting to the use at all. However, one neighbor is adamantly complaining of this use and thus this violation citation.

Mr. Titus also stated that Bethlehem Steel Co. was disposing of a number of small residences and that he acquired one of these and moved it onto his property for use as a storage shed in connection with his trucking business. This building is 30 feet by 16 He applied for a building permit for this structure but under

INTER-OFFICE CORRESPONDENC Pauline Foos Douglas Swam SUBJECT Permit MR 32549 This office cannot approve the above referenced permit to move a storage shed onto a vacant lot in a residential zone, since they do not permit accessory structures without a principal building. The only principal building that would be permitted on this let is a dwelling and since there is no principal building there can be no accessory building. POTESTANT'S
WHIBIT cc: Permit File

This Warehouse has not been in use For at lease 7 up. or more. So the nononforming use is not in order. He is not openerate a Who

We have lived at 4119 Beachwood Rd. for 20 years and there has not been a business at 4102 Beachwood Rd. at all. At one time North Pt. Furniture Store used the building beside 4102 for a warehouse to store furniture people were renting at that time for living quarters. After the furniture store the building was then occupied by a pool company to store chemicals and pool equipment. This property has never ever been used for business purposes for the 20 years I have resided at 4119 Beachwood Rd. Before 1981 all the property on Beachwood Rd. was zoned residential, there had not been to my knowledge anyone using the warehouse since. The house had been rented out several times for home use only.

There are tractor trailers traveling on Beachwood Rd. to deliver freight to 4102 Beachwood, this road is not equipped for heavy tractor trailers to be traveling down a dead end street with no turn around point. They travel approximately between 12:00 a.m. and 1:00 a.m. and also during day continously. Enclosed you will find pictures that I have taken of the tractor trailers on our street. This is a neighborhood with a lot of small children that play on the street of Beachwood Rd. I have remodeled my home so I would be able to retire in a quiet residential neighborhood.

We have several new homes that was just built to new young families with children. We also have neighbors remodeling their house on the water front and purchased these houses because of it being a residential neighborhood. This house and warehouse at 4102 is located in the critical bay area.
This property has water on 3 sides and was also filled in on one side so that the people could make a parking lot on the critical bay area. If they look at the map and the property they will see it was filled in.

I have (one time) went to court on the zoning violation back in 1981 and it was told that this is residential crea

I Receives a letter from Councilman Dale T. Volz that the property at 4102 and 4131 remains zoned residential. The zoning commissioner Robert Haines had granted the business at that two locations 30 days to cease all commerical activities. 4131 Beachwood Rd. did comply and move out.